

REMARKS

In response to the Restriction Requirement (including a species election requirement) mailed October 3, 2003 (Paper No. 093003), please enter the following amendments and consider the remarks below. Applicants hereby elect Group II (claims 5-14, 19-21, 39, 42, 46 and 47), drawn to nucleic acids, vectors, host cells, nucleic acid molecular hybridization methods, pharmaceutical compositions, and kits, classified in class 536, subclass 23.5 and class 435, subclasses 320.1, 252.3, 325 and 6. In order to be fully responsive, Applicants hereby further elect to prosecute the claims drawn to NOV13, including the NOV13 nucleic acid molecule SEQ ID NO:74, encoding the NOV13 protein of SEQ ID NO:75, having the reverse complement of SEQ ID NO:76 and an exemplary primer-probe set of SEQ ID NOs:140-142, without prejudice to Applicants' rights to pursue the non-elected subject matter in other applications in the event a generic claim is not found allowable.

In accordance with these elections, Applicants have amended the claims. Applicants have canceled claims 1-4, 15-18, 22-38, 40-41, 43-45, and 48-49. Applicants have amended claims 5, 8-11 and 19 and have added new claims 50-71 drawn to the subject matter of Group II and NOV13. Support for the new claims 50-71 can be found in the claims and application as filed, e.g. at pages 94-100, 182-188 and 224-228. No new matter has been added. Claims 5-14, 19-21, 39, 42, 46-47, and 50-71 are pending.

Applicants hereby reserve the right to traverse the above restriction with respect to non-elected Groups I and III-X (canceled claims 1-4, 15-18, 22-38, 40-41, 43-45, and 48-49) and non-elected species of Group II in this or subsequent applications.

Applicants also have amended the specification. Applicants found that the original specification contains obvious errors in the recitations of the SEQ ID NOS corresponding to the nucleic acid molecules and amino acid molecules of the invention. Many places in the specification list NOVX nucleic acid sequences as "SEQ ID NOS:2, 9, 11, 19, 27, 35, 43, 51, 53, 61, 63, 65, 71, 73, 75, 83, 90, 92, 100 and 102" and NOVX amino acid sequences as "SEQ ID NOS:1, 8, 10, 12, 18, 20, 26, 28, 34, 36, 42, 44, 50, 52, 54, 60, 62, 64, 70, 72, 74, 76, 82, 89, 91, 99 and 101." However, Table A on page 6, the individual gene sections of pages 11-130 and the Sequence Listing clearly describe and display the NOVX nucleic acid sequences as SEQ ID NOS:1, 8, 10, 12, 18, 20, 26, 28, 34, 36, 42, 44, 50, 52, 54, 60, 62, 64, 70, 72, 74, 76, 82, 89, 91, 99 and 101 and the NOVX amino acid sequences as SEQ ID NOS:2, 9, 11, 19, 27, 35, 43, 51, 53, 61, 63, 65, 71, 73, 75, 83, 90, 92, 100 and 102. One skilled in the art would recognize the lists of nucleic acid and amino acid SEQ ID NOS described above as obvious errors. The amendments Applicants made in the specification and included on pages 2-13 of this Response are intended to correct

these obvious errors. Applicants respectfully submit that the skilled artisan easily would recognize that these amendments rectify obvious errors and that the amendments do not constitute new matter. Therefore, Applicants respectfully request entry of these amendments.


This paper is being filed timely as a request for a two-month extension of time is filed concurrently herewith. No additional extensions of time are required. In the event any additional extensions of time are necessary, the undersigned hereby authorizes the requisite fees to be charged to Deposit Account No. 501668.

Entry of the amendments and remarks made herein is respectfully requested.

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Respectfully submitted,

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